

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03
NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 FAA-00
DOTE-00 /056 W
-----100528Z 091047 /13

R 091915Z MAR 77
FM AMEMBASSY PANAMA
TO SECSTATE WASHDC 988

C O N F I D E N T I A L PANAMA 1686

E.O. 11652: GDS
TAGS: PFOR, PN
SUBJECT: TREATY NEGOTIATIONS: NON-MILITARY ACTIVITIES-FHWA

REFS: A. 76 STATE 310423
B. 76 PANAMA 1625
C. 76 PANAMA 1941

1. ON MARCH 8, EMBOFF MET WITH DR. CARLOS LOPEZ-GUEVARA FOR INFORMAL DISCUSSION OF FUTURE STATUS OF FEDERAL HIGHWAY ADMINISTRATION (FHWA) REGIONAL OFFICE IN CANAL ZONE.

2. DRAWING ON INFORMATION COMPILED REFS B AND C, EMBOFF BRIEFED LOPEZ-GUEVARA ON CURRENT FHWA ACTIVITIES IN CANAL ZONE, AND NOTED ALSO THAT SUBORDINATE OFFICE OF FHWA DIVISION ENGINEER FOR PANAMA WAS NOW LOCATED IN REPUBLIC PURSUANT TO DARIEN GAP HIGHWAY AGREEMENT (22 UST 602; TIAS 7111). LOPEZ-GUEVARA NOTED THAT WHILE THE AGREEMENT MADE EXPLICIT PROVISION FOR DIVISION ENGINEER AND STAFF, IT MADE NO REFERENCE TO A REGIONAL ENGINEER, NOR WAS FHWA REGIONAL OFFICE IN CANAL ZONE DEALT WITH DIRECTLY IN ANY OTHER CURRENT AGREEMENT. EMBOFF AGREED.

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3. PURSUANT TO FHWA REGIONAL ENGINEER SUGGESTION, EMBOFF ASKED IF FHWA STATUS COULD BE DEALT WITH BY SIMPLY AMENDING DARIEN GAP AGREEMENT TO PROVIDE FOR REGIONAL ENGINEER AND STAFF IN SAME STATUS IN THE REPUBLIC AS DIVISION ENGINEER AND STAFF. DURATION OF FHWA PRESENCE WOULD THEN BE--AS DESIRED BY FHWA--DURATION OF DARIEN GAP PROJECT, UNLESS SOME FURTHER AGREEMENT NOT NOW

FORESEEN SHOULD BE CONCLUDED BETWEEN THE TWO GOVERNMENTS.

4. LOPEA-GUEVARA SAID THIS WOULD ADEQUATELY SETTLE LEGAL STATUS ASPECT, BUT FAILED TO TAKE ACCOUNT OF "PHYSICAL PRESENCE" OF THIS AGENCY IN CANAL ZONE. EMBOFF NOTED THAT FHWA CURRENTLY HAD NO "PRESENCE" EXCLUSIVELY ITS OWN, AND EXPECTED NONE. RATHER, IT WAS JUST A TENANT OF A MUCH LARGER FAA OPERATION, AS TO BOTH OFFICE SPACE AND QUARTERS FOR ITS US PROFESSIONAL PERSONNEL. IT WOULD THEREFORE BE INAPPROPRIATE TO TRY TO DEAL SEPARATELY WITH PART OF AN OFFICE BUILDING AND A FEW HOUSES--BOTH FHWA AND FAA WOULD PREFER TO SEE FHWA CONTINUE TO SATISFY ITS MODEST REQUIREMENTS FOR OFFICE AND RESIDENTIAL SPACE BY INTRA-USG AGREEMENT WITH ITS SISTER DEPARTMENT OF TRANSPORTATION AGENCY.

5. LOPEZ-GUEVARA AGREED, BUT SAID THAT AGREEMENT TO BE CONCLUDED RELATING TO FAA THEN SHOULD PROPERLY PROVIDE THAT FAA BE SPECIFICALLY ENABLED TO MAKE ITS FACILITIES AVAILABLE TO OTHER COMPONENTS OF DOT IF AND AS IT DEEMED APPROPRIATE. EMBOFF FELT THIS WOULD BE NO PROBLEM.

6. LOPEZ-GUEVARA SUGGESTED THAT AMENDMENT TO DARIEN GAP AGREEMENT DEALING WITH FHWA REGIONAL ENGINEER AND STAFF BE EXECUTED AS WAS ORIGINAL AGREEMENT, BETWEEN MINISTER OF PUBLIC WORKS OF PANAMA AND US SECRETARY OF TRANSPORTATION. EMBOFF SAID WE WOULD SEEK AUTHORIZATION TO PROCEED ALONG THESE LINES.
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7. AFTER CONSULTATION WITH EMBASSY, FHWA REGIONAL OFFICE HAS PREPARED A SUGGESTED DRAFT AMENDMENT TO DARIEN GAP AGREEMENT WHICH WOULD ACCOMPLISH FHWA'S OBJECTIVE AS DISCUSSED WITH LOPEZ-GUEVARA (FULL TEXT TRANSMITTED SEPTEL). THIS AMENDS THE TWO SECTIONS OF THE EXISTING AGREEMENT PROVIDING FOR DIVISION ENGINEER AND STAFF TO INCLUDE REFERENCE TO REGIONAL ENGINEER. FHWA REGIONAL ENGINEER HAS ALSO SUBMITTED THIS THROUGH HIS CHANNELS FOR REVIEW BY FHWA/DOT IN WASHINGTON.

8. ACTION REQUESTED: THAT DEPARTMENT AUTHORIZE EMBASSY AND FHWA REGIONAL ENGINEER TO FORMALLY PROPOSE FHWA SUGGESTED TEXT OF DRAFT AMENDMENT TO GOP, AND TO AGREE, AD REFERENDUM, THAT THIS WILL BE EXECUTED AND ENTER INTO FORCE SIMULTANEOUSLY WITH NEW CANAL TREATY.

9. DEPT. PLEASE PASS THIS MESSAGE ALSO TO FHWA/DOT

IN WASHINGTON.

JORDEN

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 09-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977PANAMA01686
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
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Handling Restrictions: n/a
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Legacy Key: link1977/newtext/t19770378/aaaacqjk.tel
Line Count: 118
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Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 STATE 310423, 76 PANAMA 1625, 76 PANAMA 1941
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 28-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3162149
Secure: OPEN
Status: NATIVE
Subject: TREATY NEGOTIATIONS: NON-MILITARY ACTIVITIES-FHWA
TAGS: PFOR, PN, PQ, US, FHWA
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/495a5ebb-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009